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April 10, 2015

**Via Federal Express**  
**Via E-Mail ([rumrill.nancy@epa.gov](mailto:rumrill.nancy@epa.gov))**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region IX  
Drinking Water Protection Section  
Mail Code WTR-3-2  
75 Hawthorne Street  
San Francisco, California 94105  
Attn: Nancy Rumrill

**Re: Florence Copper Project-Comments of the Town of Florence, Arizona  
to Draft Underground Injection Control Permit R9UIC-AZ3-FY11-1 ("Draft  
Permit")**

Dear Ms. Rumrill:

The Town of Florence (the "Town") would like to thank the United States Environmental Protection Agency ("EPA") for this opportunity to provide EPA with the Town's comments regarding the Draft Permit.

First, the Town would like to draw EPA's attention to the enclosed April 10, 2015 correspondence that was prepared for the Town by Southwest Groundwater Consultants ("SGC"). The above correspondence from SGC (the "SGC Correspondence") evaluates the potential adverse effects associated with Florence Copper, Inc.'s plans to engage in copper mining operations within the boundaries of the Town. The enclosed SGC Correspondence constitutes a portion of the Town's comments regarding the Draft Permit.

According to SGC, which conducted the work that is discussed in the SGC Correspondence some years before the current controversy arose, it is reasonably anticipated that groundwater from the Lower Basin Fill Unit ("LBFU") immediately down gradient from Florence Copper's proposed Pilot Test Facility ("PTF") will be an important source of groundwater for the Town in the future. At the time Magma Copper Company applied for its UIC permit for this site in 1996, the area north of the Town of Florence and the Gila River consisted primarily of unincorporated, privately held and State-owned land. Because of past changes in surface land use and settlement patterns, however, this is no longer the case. Thus, as the SGC Correspondence indicates, potential groundwater contamination from the PTF and,

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subsequently, any full scale mining operations by Florence Copper may have an adverse effect on groundwater that is of immense importance to the Town.

In addition to submitting the SGC Correspondence to EPA as part of the Town's comments regarding the Draft Permit, the Town also joins in and supports the comments regarding the Draft Permit that have been submitted to EPA by Southwest Value Partners ("SWVP") in that April 10, 2015 letter from SWVP's counsel, Ronnie P. Hawks, Esq., of Jennings, Haug & Cunningham. In the above letter (and the attachments and exhibits thereto), SWVP provides a detailed analysis of the deficiencies associated with the Draft Permit. The above correspondence from SWVP's counsel and the attachments and exhibits thereto are hereby collectively referred to as the SWVP Comment Letter which, by this reference is hereby incorporated into the Town's comments regarding the Draft Permit.

As a review of the SWVP Comment Letter indicates, in addition to other deficiencies, in approving the Draft Permit, EPA: (i) failed to exercise reasonable care in drafting the UIC Permit; (ii) adopted an improper and illegal aquifer exemption; and (iii) needs to revise the deficient portions of the Draft Permit.

Finally, the Town resubmits to EPA its February 21, 2014 letter regarding the Draft Memoranda of Agreement under Section 106 of the National Historic Preservation Act concerning the proposed Florence Copper Production Test Facility in Florence, Arizona. Because the July 2014 Draft Memorandum of Agreement regarding the Florence Copper PTF that was attached to the Draft Permit as Exhibit "G" did not address the issues raised by the Town in the above February 21, 2014 correspondence, the Town is re-submitting the above correspondence for EPA's reconsideration.

Based on the above information being provided to EPA, the Town believes that the Draft Permit should be withdrawn by EPA so that EPA may address the deficiencies identified in the Draft Permit.

Very truly yours,

DICKINSON WRIGHT PLLC



Kenneth A. Hodson  
For the Firm

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